Issued by the
UNITED STATES DISTRICT COURT

DISTRICT OF New Jersey

UNIVERSAL CITY STUDIOS, INC., et al.,

        Plaintiffs,

V.

SHAWN C. REIMERDES, et al.,

        Defendants.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: ' 00 Civ. 0277 (LAK)
(In the Southern District of New York)

TO: Andrew W. Appel
409 Computer Sciences Dept.
Princeton University, Princeton, NJ 08544

[ ] YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

[X] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Proskauer Rose LLP One Newark Center – 18th Floor Newark, NJ 07102	DATE AND TIME June 26, 2000 10:00 a.m.

[X] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Schedule A attached.

PLACE Proskauer Rose LLP One Newark Center, 18th Floor Newark, NJ 07102	DATE AND TIME June 26, 2000 10:00 a.m.

[ ] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) Attorney for Plaintiffs	DATE June 21, 2000

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
William Hart, Esq., (212) 969-3095
Proskauer Rose LLP, 1585 Broadway, New York, New York 10036

EXHIBIT
Appel-2

' If action is pending in district other than district

BM

(See Rule 45, Parts C & D on Reverse)
number

G.   The "**Connecticut Action**" shall refer to the action entitled *Universal City Studios. Inc., et al. v. Hughes*, filed in the United States District Court for the District of Connecticut on January 14, 2000, Case Number 300CV72 RNC.

H.   "Corley" shall mean the defendant, Eric Corley a/k/a "Emmanuel Goldstein".

I.   "CSS" shall mean the proprietary copy protection and access control system developed by Matsushita Electric Industrial Co., Ltd. and Toshiba Corporation, known as the Contents Scramble System.

J.   "DeCSS" shall mean the DVD decryption utility commonly known as DeCSS which has the purpose and function of circumventing CSS or the protection afforded by CSS, and shall include both the compiled object code and source code of DeCSS.

K.   "Defendants" shall mean Eric Corley a/k/a "Emmanuel Goldstein" ("Corley") and 2600 Enterprises, Inc. a/k/a "2600 Magazine" ("2600"), as defined herein.

L.   The term "**document**" is used herein in the broadest possible sense and shall mean any written, graphic or other recorded (whether visually, electronically, magnetically or otherwise) matter of whatever kind or nature or any other means of preserving thought or expression and all tangible things from which information can be processed, transcribed or retrieved, whether originals, copies or drafts (including, without limitation, nonidentical copies), however produced or reproduced (including but not limited to audiotapes, videotapes, CD-ROMs, e-mails, and computer files). A document with handwritten, typewritten or other recorded notes, editing marks, etc., is not and shall not be deemed identical to one without such modifications, additions, or deletions. The term "original" includes the file copy or copies of any document if there is no actual original or

ribbon copy. Designated documents shall mean originals in each instance (or copies thereof if originals are unavailable), regardless of origin or location, which are in your possession, custody, or control, or in the possession, custody, or control of your agents, representatives, employees, or counsel, and any copies or reproductions that differ in any respect from the original, such as copies containing marginal notations or other variations. Designated documents are to be taken as including all attachments, exhibits, enclosures, appendices and other documents that relate to or refer to such designated documents. The enumeration of various specific items as included within the definition of the word "document" shall not be taken to limit the generality of this word, and the requests herein are directed and intended to obtain all "documents" in the broadest and most comprehensive sense and meaning of this word.

M.   "**Hyperlink**" shall mean software instructions which, when executed, cause a signal to be sent to another location where data or material can be retrieved for viewing, copying or further transmission.

N.   "**Motion Pictures**" shall mean any cinematographic works released on DVD in which Plaintiffs hold a copyright interest.

O.   The "**MPAA**" shall mean the Motion Picture Association of America and any of its members, including each of the Plaintiffs.

P.   The "**Norway Action**" shall mean any investigation, criminal prosecution or civil action commenced or contemplated by the government of Norway concerning CSS, DeCSS, or any efforts to circumvent the encryption of DVDs.

Q.   "Person" or "persons" shall mean individuals, corporations, proprietorships, partnerships, firms, associations, joint ventures, banks, any government or governmental bodies, commissions, boards or agencies, and all other legal entities, and if appropriate or indicated, divisions, subsidiaries or departments of corporations or other entities, and their principals, agents, representatives, officers or employees.

R.   "Plaintiffs" shall mean Universal City Studios, Inc.; Paramount Pictures Corporation; Metro-Goldwyn-Mayer Studios Inc.; TriStar Pictures, Inc.; Columbia Pictures Industries, Inc.; Time Warner Entertainment Co., L.P.; Disney Enterprises, Inc.; and Twentieth Century Fox Film Corporation, and shall include their agents, representatives, attorneys, and all persons acting on their behalf.

S.   The "Santa Clara Action" shall refer to the action entitled *DVD Copy Control Association, Inc. v. McLaughlin, et al.*, filed in the Superior Court of California, Santa Clara County, on December 27, 1999, Case Number CV 786804.

T.   The "Declaration" shall refer to the Declaration of Andrew W. Appel In Opposition to Plaintiffs' Motion To Modify the Preliminary Injunction And In Support of Defendants' Cross-Motion To Vacate the Preliminary Injunction, dated April 27, 2000.

INSTRUCTIONS

A.   You shall respond to each of the following requests in full to the best of your ability and shall specify which documents and things are responsive to each individual request.

B.   Documents shall be provided in the form in which they are normally kept. All documents that consist of or contain information in electronic or digital form, however, shall

be provided on one or more 3.5-inch floppy disks, digital audio tapes ("DATs"), Zip or Jazz cartridges, DVDs, or CD-ROMs unless agreed otherwise.

C.   If any responsive document is withheld under a claim of privilege, or for any other reason, you are requested to provide the information set forth in FRCP 26(b)(5) and Southern District of New York Local Rule 26.2 in connection with any such claim.

D.   In producing these documents, you are requested to furnish all documents known or available to you, including all documents in your custody or control, or in the custody or control of your officers, directors, agents, employees, representatives, consultants, investigators, or their attorneys or their agents, employees, representatives or investigators.

E.   If a document is responsive to a request for production and is in your control, but not in your possession or custody, identify the person with possession or custody.

F.   In the event that any document called for by this request has been destroyed or discarded, that document should be identified by (i) any addressor or addressee; (ii) any indicated or blind copies; (iii) the document's date, subject matter, number of pages, and any attachments or appendices, (iv) its date of destruction or discard, and the reason for same; (v) if destroyed or discarded, the persons responsible for carrying out such destruction or discard; and (vi) whether any copies of the document presently exist, and if so, in whose possession.

G.   In the event a document is not produced on grounds other than privilege, state the type of document, date, author or addressor, addressee of all copies, recipients of all copies, title, the present location or address of the custodian of all copies, the substance of the content thereof, and state the reasons for its non-production.

H.   This request for production shall be deemed continuing, and requires further supplemental production if you receive or discover additional documents after responding to this request.

REQUESTS FOR PRODUCTION

1.   All documents within your possession, custody or control concerning DeCSS.

2.   All documents reflecting how you first became aware of the existence of DeCSS.

3.   All documents concerning your use of DeCSS.

4.   All documents concerning any other person's use of DeCSS.

5.   All documents concerning the use of DeCSS by any person for purposes other than to decrypt a DVD, including but not limited to, any documents concerning the use of DeCSS for research, study or reverse-engineering.

6.   All documents concerning internet locations where DeCSS is, or was, available.

7.   All documents concerning communications relating to internet locations where DeCSS is, or was, available.

8.   All documents concerning any efforts to encourage or solicit any person to make DeCSS available on the internet.

9.   All documents concerning communications sent to, or received from, any person concerning the MPAA, CSS, DeCSS, this litigation, the Connecticut Action, the Santa Clara Action, or the Norway Action, including but not limited to e-mail communications and archived discussions in "chat rooms" or any other electronic forum.

10.   All documents concerning the Declaration, including all drafts of the Declaration, all notes and correspondence relating to the Declaration, and all documents reviewed in connection with its preparation.

11.   All documents concerning, demonstrating, supporting, or detracting from, any statement in the Declaration.

12.   All documents concerning communications between or among you and any parties to this action, including but not limited to, communications with defendants' counsel.

13.   All documents concerning communications between or among you and any owners, employees, agents, parents, subsidiaries, and/or other individuals associated with the 2600 Organizations, concerning the MPAA, CSS, DeCSS, this litigation, the Connecticut Action, the Santa Clara Action, or the Norway Action.

14.   All documents that you may rely on if you are called as a witness at trial in this action.

15. All documents reviewed in preparation for your deposition in this action.

16. All documents concerning encryption, security or other access- or copy-control systems that have been hacked, cracked or reverse-engineered.

17. All documents reflecting communications concerning encryption, security or other access- or copy-control systems that have been hacked, cracked or reverse-engineered.

18. A list of all publications that you authored in the past ten years.

19. Copies of all publications that you authored relating to any statements in the Declaration, or otherwise relating to this action.

20. All documents concerning compensation that you received or will receive in connection with this action, including, but not limited to, compensation for the preparation of the Declaration or for appearing at a deposition or trial.

21. A list of all other legal proceedings in which you have testified as an expert at trial or by deposition.

22. All documents concerning any incidents in which you have been accused of violating any person's intellectual property rights.

23. All documents concerning technology for the compression of video signals.

24.   All documents concerning statements you have made to the press or media relating to copyrights, intellectual property rights, or free access to copyrighted materials, including, but not limited to, all reports, articles and publications containing your statements on these subjects.

25.   All documents concerning the feasibility of transmitting video on the internet.

26.   All documents concerning the trafficking or feasibility of trafficking of movies on the internet.

I'm in California until Saturday. I can call you if you want to talk
about this.

Andrew Appel wrote:
>
> Are you around? David Touretzky of CMU called, he has an interesting
> proposition for us that relates directly to the speech-as-machine issue.
>
>   Andrew

Andrew,

I've completed the first draft of my Gallery of CSS Descramblers.
There's a link to it from my main DeCSS page, or you can go there
directly at:

  http://www.cs.cmu.edu/~dst/DeCSS/Gallery

As we discussed in our phone conversation yesterday, I'd like to
invite you to contribute an ML version of the descrambler, and to
consider mirroring the web page at your site.

There is substantial overlap between the CSStitlekey1, CSStitlekey2,
and CSSdescramble routines. The details are given in the plain
English version of the algorithm, posted in the gallery.

Regards,

-- Dave Touretzky
To: "Edward W. Felten" <felten@CS.Princeton.EDU>
Subject: Re: touretzky
In-reply-to: Your message of "Mon, 13 Mar 2000 21:38:32 PST."
          <38CDD058.A2CFF10D@cs.princeton.edu>
Date: Tue, 14 Mar 2000 09:26:20 -0500
From: Andrew Appel <appel>
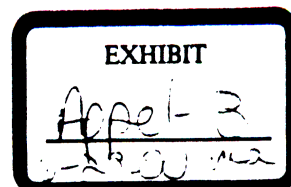
David Touretzky (who also filed a brief to the Copyright Office and noticed
that we filed one) would like us to mirror his web page:

  ttp://www.cs.cmu.edu/~dst/DeCSS/Gallery/

and also contribute to it. Perhaps we should discuss this; I'm in my
office today.

                              Andrew
To: felten, dwallach, ddean, balfanz
Subject: C <-> English
Date: Tue, 14 Mar 2000 09:50:11 -0500
From: Andrew Appel <appel>

A few years ago someone mentioned to me a program that translates C into
English, and another program that translates back.
Do you know where I might find it?

To: felten, dwallach, ddean, balfanz
Subject: never mind
Date: Tue, 14 Mar 2000 10:20:55 -0500
From: Andrew Appel <appel>

Never mind, I found the site.

http://personal.sip.fi/~lm/c2txt2c/#download

I downloaded it and compiled it and examined it.
It's just horrible; it can't do C programs in any real generality,
but it can handle Schneier's Blowfish algorithm, which is all it
 as really designed to do. Gotta write a better one.
.o: Dave_Touretzky@cs.cmu.edu
Subject: c2txt2c
Date: Tue, 14 Mar 2000 10:21:37 -0500
From: Andrew Appel <appel>

Look at this site

http://personal.sip.fi/~lm/c2txt2c/#download

I downloaded it and compiled it and examined it.
It's just horrible; it can't do C programs in any real generality,
but it can handle Schneier's Blowfish algorithm, which is all it
was really designed to do.

                              Andrew

Return-Path: <felten@CS.Princeton.EDU>
Received: from cs.princeton.edu (ux04 [128.112.169.24])
        by CS.Princeton.EDU (8.9.3+Sun/8.9.3) with ESMTP id NAA06912
        for <appel@CS.Princeton.EDU>; Tue, 14 Mar 2000 13:00:22 -0500 (EST)
Message-ID: <38CE7FE6.9255E3EE@cs.princeton.edu>
Date: Tue, 14 Mar 2000 10:07:34 -0800
From: "Edward W. Felten" <felten@CS.Princeton.EDU>
X-Mailer: Mozilla 4.61 [en]C-CCK-MCD {Sony} (Win98; U)
X-Accept-Language: en
MIME-Version: 1.0
To: Andrew Appel <appel@CS.Princeton.EDU>
 ubject: Re: touretzky
.eferences: <200003141426.JAA02360@ux04>
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit

I am told that Judge Kaplan's ruling has a section that appears to say
that anyone who *links* to a DeCSS distribution is violating his

injunction. (There is some debate about exactly what the judge meant.
We would have to read the documents carefully to be sure.)
To: "Edward W. Felten" <felten@CS.Princeton.EDU>
Subject: Re: touretzky
In-reply-to: Your message of "Tue, 14 Mar 2000 10:07:34 PST."
           <38CE7FE6.9255E3EE@cs.princeton.edu>
Date: Tue, 14 Mar 2000 13:09:33 -0500
From: Andrew Appel <appel>

Touretzky claims that the injunction applies only to a certain set of
named people. However, by mirroring this site we'd be in violation of
the trafficking section of the DMCA, though not of the injunction.

The next paragraph is quoted from Judge Kaplan's injunction,
http://cryptome.org/dvd-mpaa-3-pi.htm

2. Defendants Shawn C. Reimerdes, Eric Corley a/k/a ^Emmanuel Goldstein~ and Roman Kazan,
their officers, agents, servants, employees and attorneys and all persons in active concert or
participation with them who receive actual notice of this order by personal service or otherwise be
and they hereby are enjoined and restrained, pending the hearing and final determination of this
action, from ...

I don't think we'd be in "active participation" with them.

                            -- Andrew
To: dst@cs.cmu.edu
cc: felten
Subject: "warning this code can be modified"
Date: Tue, 14 Mar 2000 13:15:53 -0500
From: Andrew Appel <appel>

Somewhere in the discussion of legal documents related to these cases
I saw a discussion of whether crypto-hashing code was prohibited
by the crypto-export laws because "it could be modified to to
cryptography". In which case ...


```
#include <stdio.h>
/* Warning: Transmittal of this code could be actionable
   under DMCA because it can be modified to for use in evading
   technological access controls on copyrighted material. */
void main(int argc, char *argv[]) {
  printf ("Hello, world!\n");
}
```

Return-Path: <Dave_Touretzky@skinner.boltz.cs.cmu.edu>
Received: from skinner.boltz.cs.cmu.edu (SKINNER.BOLTZ.CS.CMU.EDU [128.2.191.209])
        by CS.Princeton.EDU (8.9.3+Sun/8.9.3) with SMTP id XAA19181
        for <appel@cs.princeton.edu>; Tue, 14 Mar 2000 23:06:55 -0500 (EST)
Received: from skinner.boltz.cs.cmu.edu by skinner.boltz.cs.cmu.edu id aa00598;
          14 Mar 2000 23:06 EST
To: Andrew Appel <appel@CS.Princeton.EDU>
From: Dave_Touretzky@cs.cmu.edu
Subject: Re: c2txt2c
In-reply-to: Your message of Tue, 14 Mar 2000 10:21:37 -0500.
           <200003141521.KAA03288@ux04>
Date: Tue, 14 Mar 2000 23:06:45 -0500
Message-ID: <595.953093205@skinner.boltz.cs.cmu.edu>
Sender: Dave_Touretzky@skinner.boltz.cs.cmu.edu
Status: RO

> http://personal.sip.fi/~lm/c2txt2c/#download

Yes, I agree it's pretty horrible. It chokes on the CSS descrambling

code.

Would you like to contribute an ML version of the descrambling
`lgorithm? Any other ideas for improvements to the Gallery?

-- Dave
To: Dave_Touretzky@cs.cmu.edu
Subject: gallery
In-reply-to: Your message of "Tue, 14 Mar 2000 23:06:45 EST."
          <595.953093205@skinner.boltz.cs.cmu.edu>
Date: Wed, 15 Mar 2000 09:32:50 -0500
From: Andrew Appel <appel>

How about the following idea:

Let A be the source code.
Let B be a randomly-generated bitstring of the same length.

On one web page publish A xor B.
On the other web page publish B.

Link to both pages.

It's easy to prove that A xor B is a random number, satisfies
all tests for randomness ... same for B.

How can you be prosecuted for publishing   A xor B? It's
easy to prove that ANY web page must be A xor B',
for the prohibited A and some B'.   And how can you be prosecuted
for publishing B?   For ANY web page B'' that you could publish,
there must exist a possible web page C such that C xor B'' = A.

.nd finally, if it's legal to link to A, and legal to link to A xor B,
then ...

I don't completely buy this argument, and perhaps it's not the
best argument to make for freedom of speech.

                              Andrew
Return-Path: <Dave_Touretzky@skinner.boltz.cs.cmu.edu>
Received: from skinner.boltz.cs.cmu.edu (SKINNER.BOLTZ.CS.CMU.EDU [128.2.191.209])
        by CS.Princeton.EDU (8.9.3+Sun/8.9.3) with SMTP id RAA15560
        for <appel@cs.princeton.edu>; Wed, 15 Mar 2000 17:42:50 -0500 (EST)
Received: from skinner.boltz.cs.cmu.edu by skinner.boltz.cs.cmu.edu id aa02606;
          15 Mar 2000 17:42 EST
To: Andrew Appel <appel@CS.Princeton.EDU>
From: Dave_Touretzky@cs.cmu.edu
Subject: Re: gallery
In-reply-to: Your message of Wed, 15 Mar 2000 09:32:50 -0500.
          <200003151432.JAA11265@ux04>
Date: Wed, 15 Mar 2000 17:42:15 -0500
Message-ID: <2602.953160135@skinner.boltz.cs.cmu.edu>
Sender: Dave_Touretzky@skinner.boltz.cs.cmu.edu
Status: RO

The XOR trick is an old idea. We discussed it as a technique for
distributing Scientology secret scripture.

I think the answer is that the complainant would sue the owners of
 oth sites for conspiracy.

"Golly, Your Honor, I put up this page because I thought it contained
some nifty random numbers, that's all. I had no idea that these
numbers were really the XOR of some prohibited material with that
other guy's web page. I've never even met that other guy!"

-- Dave